

APPEAL NO. 030429  
FILED APRIL 4, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on February 5, 2003. The hearing officer determined that the respondent/cross-appellant's (claimant) compensable injury of \_\_\_\_\_, extends to and includes an injury to her cervical spine, but does not extend to and include a bilateral shoulder injury. In its appeal, the appellant/cross-respondent (carrier) essentially argues that the extent-of-injury determination regarding the cervical spine is against the great weight of the evidence. The claimant did not respond to the carrier's appeal. The claimant cross-appeals, asserting that the extent-of-injury determination excluding the bilateral shoulder injury was in error. The carrier responds, urging affirmance of the determination that the compensable injury did not extend to and include a bilateral shoulder injury.

DECISION

Affirmed.

Extent of injury is a factual question for the hearing officer to resolve. The hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as the weight and credibility that is to be given to the evidence. Section 410.165(a). It is for the hearing officer to resolve the inconsistencies and conflicts in the evidence and to decide what facts the evidence has established. Garza v. Commercial Ins. Co., 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). In this instance, the hearing officer was not persuaded that the claimant sustained her burden of proving the causal connection between her compensable injury and the bilateral shoulder injury. The hearing officer was persuaded that the claimant carried the burden of showing a causal connection between her compensable injury and the injury to her cervical spine. The hearing officer was acting within her province as the fact finder in making these determinations. Nothing in our review of the record reveals that the hearing officer's extent-of-injury determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to disturb those determinations on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **ROYAL INDEMNITY COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS, COMMODORE 1, SUITE 750  
AUSTIN, TEXAS 78701.**

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Michael B. McShane  
Appeals Panel  
Manager/Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Robert W. Potts  
Appeals Judge